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09/627,139

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J. David Schaffer

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

HUYNH, SON P

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Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte J. DAVID SCHAFFER, KWOK PUN LEE,
and SRINIVAS GUTTA

Appeal 2009-007529
Application 09/627,139
Technology Center 2400

Before KENNETH W. HAIRSTON, MAHSHID D. SAADAT,
and ROBERT E. NAPPI, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304 or for filing a request for rehearing as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

Appellants appeal under 35 U.S.C. § 134 from the rejection of claims 1-26. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellants' Invention

Appellants' invention relates to an electronic television programming guide (EPG) system that combines explicit rule profile data, history profile data, and feedback profile data from a viewer to generate new predictions (Spec. 10:1-9). Independent claim 1 is illustrative of the invention and reads as follows:

1. An automated recommendation system, comprising
a processor connected to receive resource data defining
available resources and at least two sets of profile data, each defining
a user's preferences with respect to the resources;
each of the sets of profile data being derived from a different
class of interaction of the user with a first portion of the resource data
and usable to predict a given resource's desirability based on each of
the sets;
the processor being adapted to:
generate at least two sets of predictions based on one or a
combination of the sets of profile data, and
combine the predictions by weight-averaging
corresponding ones from each of the at least two sets of
predictions.

The Examiner relies on the following prior art in rejecting the claims:

Bergh	US 6,112,186	Aug. 29, 2000
Hosken	US 6,438,579 B1	Aug. 20, 2002 (filed Jul. 14, 2000)

Claims 1-6, 9-14, and 17-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hosken.

Claims 7, 8, 15, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hosken and Bergh.

Appellants' Contentions

Appellants contend that Hosken does not teach generating at least two sets of predictions based on two sets of profile data defining a user's preference and weight averaging these two sets of predictions (App. Br. 7-9; Reply Br. 2-3). According to Appellants, Hosken's disclosure of a profile for each user includes refinements based on all of the classes of interaction (implicit and explicit) with the user and cannot create different sets of recommendations based on different sets of profiles (App. Br. 9; Reply Br. 2).

ISSUE

Did the Examiner err in rejecting claims 1-6, 9-14, and 17-26 as anticipated by Hosken because the reference fails to teach generating at least two sets of predictions based on two sets of profile data defining a user's preference, as recited in independent claim 1?

ANALYSIS

Appellants present arguments as to why the Examiner has erred (App. Br. 7-9; Reply Br. 2-3). We agree with Appellants' contentions above.

In particular, we agree with Appellants (App. Br. 8) that Hosken teaches maintaining one set of profile for each user (col. 15, ll. 61-67). Independent claim 1 requires, in relevant part, at least two sets of user

profile data, *each* derived from different classes of interaction of the user. The Examiner characterizes Hosken's user preferences as the claimed set of profiles (Ans. 11), whereas the disclosure in columns 14-16 indicate that Hosken uses these preferences to determine one set of profile. As such, we agree with Appellants (Reply Br. 2-3) that Hosken uses all the data sources as input to both user profile 64 and group behavior 60 (*see* col. 9, l. 66–col. 10, l. 12) without making any correspondence between one of the data sources and one of the profiles. Other independent claims 9, 18, 21, and 24 recite similar features related to different profiles derived from different profile data sources, which we found to be absent from Hosken's disclosure.

Therefore, because Appellants have established that the Examiner erred with respect to the anticipation rejection, we do not sustain the rejection of claims 1-6, 9-14, and 17-26 as anticipated by Hosken. We also do not sustain the rejection of claims 7, 8, 15, and 16 dependent thereon as obvious over Hosken and Bergh because the Examiner has not identified any teachings in Bergh to overcome the above-noted deficiencies of Hosken.

CONCLUSION

The Examiner erred in rejecting claims 1-6, 9-14, and 17-26 as anticipated by Hosken because the reference fails to teach generating at least two sets of predictions based on two sets of profile data defining a user's preference.

ORDER

The Examiner's decision rejecting claims 1-26 is reversed.

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REVERSED

babc

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